

U.S. Department of Labor

Assistant Secretary for  
Employment and Training  
Washington, D.C. 20210



DEC 13 2012

The Honorable Chris Christie  
Governor of New Jersey  
The State House  
P.O. Box 001  
Trenton, New Jersey 08625

Dear Governor Christie:

This letter provides approval of those portions of the New Jersey Unified State Plan that relate to Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, plans for coordination with Trade Adjustment Assistance (TAA), and Title V of the Older Americans Act. The Employment and Training Administration (ETA) received the State's proposed Unified State Plan on September 19, 2012. This letter also addresses New Jersey's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, and TEGL No. 21-1, Change 1 issued on August 8, 2012, provide guidance for states to submit their State Workforce Plans and waivers for Program Year (PY) 2012 and beyond. We appreciate the State's responsiveness to this guidance, and especially the State's efforts in developing a Unified Plan.

Plan Review and Approval

The Department of Labor, Employment and Training Administration (ETA) has reviewed the New Jersey Unified State Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the Unified Plan Requirements (<http://www.doleta.gov/usworkforce/wia-planning/docs/unified-planning-guidance.pdf>), Title V of the Older Americans Act and corresponding regulations, TEGL No. 21-11, and corresponding Change 1. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822), and WIA section 501 (20 USC 9271) which pertains to State Unified Plans, that ETA is approving those portions of the New Jersey Unified State Plan that relate to Title I of WIA, the Wagner-Peyser Act, and TAA for Program Years 2012-2016, July 1, 2012 through June 30, 2017. The annual W-P Agricultural Outreach Plan is approved for the period July 1, 2012 through June 30, 2013. The Senior Community Service Employment Program (SCSEP) State Plan has been reviewed by both ETA and the Administration on Aging, and is approved for Program Years 2012-2015, July 1, 2012 through June 30, 2016.

The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2017.

### Unified Plan Partner Programs

New Jersey's Unified Plan includes the Vocational Rehabilitation Program (VR), Adult Education and Family Literacy Program (AEFL), Temporary Assistance for Needy Families (TANF), the Food Stamp and Employment Training Program (FSET), and Veterans' Programs. In accordance with WIA section 501 (20 USC 9271), the Departments of Education (for both VR and AEFL), Health and Human Services, Agriculture, and the Department of Labor Veterans' Employment and Training Service (VETS) have the authority to approve those portions of the Unified Plan relating to their respective programs. ETA provided these offices with a copy of your Unified State Plan and a copy of this letter.

### Performance Levels

Each year, the Regional Administrator negotiates the Program Year's WIA and W-P performance goals with each state. As required by TEGL Nos. 21-11 and 38-11 dated June 18, 2012, negotiations must be completed by December 31, 2012 for PY 2012. Once the final goals are established, the Regional Administrator's letter advising the State of the PY 2012 WIA and W-P final performance goals constitutes a modification to the Unified State Plan. ETA will incorporate New Jersey's final performance goals for PY 2012 into the Regional and National Office copies of the Unified State Plan. Please include these final PY 2012 goals in the State's official copy of the Unified State Plan.

### Waivers

As part of New Jersey's Unified State Plan, the State submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The State's requests for waivers are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The disposition of the State's waiver requests is outlined below. This action is taken under the Secretary's authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

### Waiver of the required 50 percent employer contribution for customized training at WIA Section 101(8)(C).

The State requested a waiver of the required 50 percent employer contribution for customized training to permit the use of a sliding scale for the employer contribution based on the size of the business. The State is granted an approval of this waiver through June 30, 2017. Under the waiver, the following sliding scale is permitted: 1) no less than 10 percent match for employers with 50 or fewer employees, and 2) no less than 25 percent match for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent contribution) continue to apply. When determining the funding source for customized training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide customized training to individuals 18 years of age or older with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide customized training to dislocated workers with WIA Dislocated Worker funds. Customized training provided with statewide

funds must serve WIA eligible individuals.

Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The State requested a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted an approval of this waiver through June 30, 2017. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs.

Waiver of WIA Section 134(a) to permit local areas to use a portion of local funds for incumbent worker training.

The State requested a waiver to permit local areas to conduct allowable statewide activities as defined under WIA Section 134(a)(5) with local WIA formula funding, specifically incumbent worker training. The State is granted an approval of this waiver through June 30, 2017. Under this waiver, the State is permitted to allow local areas to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a layoff aversion strategy. Use of Adult funds must be restricted to serving lower income adults under this waiver. ETA believes limiting incumbent worker training to the specified level and requiring it to be a part of layoff aversion is the best use of funds in the current economic climate where serving unemployed workers is a paramount responsibility of the workforce system. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA Section 134(d), and the State is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record Data system (WIASRD), field 309. TEGL No. 26-09, Section 7A, "Workforce Investment Act (WIA) Waiver Policy and Waiver Decisions for FY 2009 and 2010" and TEGL No. 30-09, "Layoff Aversion Definition and the Appropriate Use of Incumbent Worker Training for Layoff Aversion Using a Waiver" provide policy guidance related to implementation of this waiver.

Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

The State requested a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth program participants. The State is granted an approval of this waiver through June 30, 2017. Under this waiver, the State can use ITAs for older youth and out-of-school youth program participants. The State must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The State requested a waiver to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. The State is granted an approval of this waiver through June 30, 2017. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (60 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide on-the-job training to individuals 18 years of age or older with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The State requested a waiver that allows the State to replace the 17 performance measures under WIA Section 136(b) with the common measures. The State is granted an approval of this waiver through June 30, 2017. This waiver permits the State to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The State will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The state will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program. WIASRD item 519, Type of Recognized Credential, should be completed for each individual as appropriate, regardless of this waiver to report on common performance measure outcomes only.

Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The State requested a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The State is granted an approval of this waiver through June 30, 2017. Under the waiver, the State is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

The State requested a waiver of the requirement for competitive procurement of service providers for three youth program elements. The State is granted an approval of this waiver through June 30, 2017. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide the youth program elements of supportive services, follow-up services, and work experience. In utilizing this waiver for these elements, the State and local areas must still meet Office of Management and Budget requirements (codified in 29 CFR 95.40-95.46 and 97.36) and all state and local procurement laws and policies.

Waiver of the WIA regulations at 20 CFR 666.100 to exempt the state from including credential attainment outcomes for participants enrolled in on-the-job training in the credential performance measure calculations.

The State requested a waiver to exempt it from including credential attainment outcomes in the credential performance measure calculations for participants enrolled in on-the-job training. The State is granted an approval of this waiver through June 30, 2017. The State must continue to report outcomes in the Workforce Investment Act Standardized Record Database (WIASRD) for participants enrolled in on-the-job training.

Waiver of WIA Section 134(a)(2)(B)(iii) and 20 CFR 665.200(e) to exempt a state from the requirement to provide local workforce investment area incentive grants.

The State is requesting a waiver of the requirement to provide local workforce investment areas incentive grants to reward regional cooperation, local coordination of activities, and exemplary performance. The State is granted this waiver effective July 1, 2011 through June 30, 2013.

Waiver of the provision at 20 CFR Sections 663.500 and 663.510(d) requiring local board recruitment and application of new training providers to the statewide Employment and Training Provider List.

New Jersey requested a waiver of 20 CFR Sections 663.500 and 663.510(d) requiring local board recruitment and application of new training providers to the statewide Employment and Training Provider List (ETPL). The State wishes to fully utilize a statewide online ETPL registration and eligibility determination system and thereby reduce staffing burden on the local areas. Local Workforce Investment Boards will continue to be utilized as local area experts in the establishment and refinement of the ETPL and related processes.

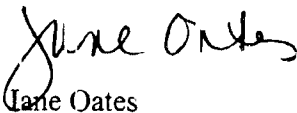
ETA has determined that this waiver is not needed. The process and procedures the State describes in its request align with the requirements in 20 CFR Sections 663.500 and 663.510(d).

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and are incorporated into the Unified

State Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and with the approved Unified State Plan. In addition, as described in TEGL No. 29-11, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your Unified State Plan for PY 2012 and beyond. Thank you for adopting the American Job Center brand; we are available to provide technical assistance as needed. If you have any questions related to the issues discussed above, please contact Thomas Dalton the Federal Project Officer for New Jersey, at 617-788-0113 or [Dalton.Thomas@dol.gov](mailto:Dalton.Thomas@dol.gov).

Sincerely,



Jane Oates  
Assistant Secretary

Enclosures

cc: Brenda Dann-Messier, Assistant Secretary for Vocational and Adult Education, U. S. Department of Education  
George Sheldon, Acting Assistant Secretary for Administration for Children and Families, U. S. Department of Health and Human Services  
Edward Anthony, Deputy Commissioner, Rehabilitation Services Administration, U.S. Department of Education  
Audrey Rowe, Administrator, Food and Nutrition Service, U. S. Department of Agriculture  
John Moran, Deputy Assistant Secretary, Veterans' Employment and Training Service  
Holly O'Brien, Regional Administrator, IFA Boston Regional Office  
Tom Dalton, Federal Project Officer for New Jersey

**From:** Horst, Michele [Michele.horst@dol.state.nj.us]  
**Sent:** Wednesday, September 12, 2012 4:34 PM  
**To:** Ollis, Christine - ETA  
**Cc:** Dennis Bone; Wirths, Hal; Fichtner, Aaron R.; Clark, Mary Ellen; Stoller, Jeffrey; Hutchison, Sheryl; Smith, Tiffany; Dalton, Thomas - ETA; Rodriguez, Carmen - ETA  
**Subject:** New Jersey - State Unified Workforce Investment Plan Submission

Ms. Ollis:

The New Jersey State Unified Workforce Investment Plan is being submitted for USDOL review and approval via website download. A link to NJ's Plan can be found on the homepage of the State Employment and Training Commission (SETC) at [www.njsetc.net](http://www.njsetc.net). Under the Planning section there is a link which will take you to the signed PDF copy of the Plan.

Furthermore, New Jersey certifies that that no changes will be made to the version of the Plan posted on the Web site after it has been submitted to the US Department of Labor.

Please confirm receipt of this communication and were able to access the Plan. If you should you have difficulties accessing the Plan, please contact Sheryl Hutchison at [Sheryl.hutchison@dol.state.nj.us](mailto:Sheryl.hutchison@dol.state.nj.us). Or 609-633-0605.

Please feel free to contact me with any additional questions or for information.

Respectfully,

Michele Horst

**Michele E. Horst / Executive Director / State Employment & Training Commission (SETC)**

Office: 609-633-0605 / Mobile: 609-575-2214 / [michele.horst@dol.state.nj.us](mailto:michele.horst@dol.state.nj.us)

PO Box 9-C/Trenton, NJ 08625 [www.njsetc.net](http://www.njsetc.net)

*"Imagination is everything, it is the preview of life's coming attractions." - Albert Einstein*



**Date:** December 3, 2014

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC)  
NJ Department of Labor and Workforce Development (LWD)

**Adult-Dislocated Worker Funds Transfer**

**Type of Request:** Extension

Statutory and/or Regulatory requirements to be waived

New Jersey requests the continuation of the waiver of WIA Section 103(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area. The requirement stipulates that a local board may transfer, if such transfer is approved by the governor, not more than 20 percent of the funds allocated to Adult and Dislocated Worker employment and training. This waiver permits an increase in the amount the State is allowed to transfer between Adult and Dislocated Worker funding streams. Under the waiver, transfer authority is limited to 50 percent.

Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Goals and expected programmatic outcomes of waiver

This waiver provides increased flexibility in allocating and expending WIA Adult and Dislocated Worker funds for local areas. The programmatic impact is the flexibility to channel resources to the population with the greatest need at that time, thereby providing a more efficient usage of available WIA funds.

Individuals impacted by the waiver

Adults and Dislocated Workers eligible for the program will be positively impacted by the waiver since local boards have greater flexibility to respond to the actual local area needs.

Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIE Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIEs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

Public Comment



All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Date:** December 31, 2012

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC)  
NJ Department of Labor and Workforce Development (LWD)

### **Common Measures**

**Type of Request:** Extension

#### Statutory and/or Regulatory requirement to be waived

New Jersey requests the continuation of this waiver to allow the State to replace the 17 performance measures under WIA Section 1835(a) with the common measures. This waiver permits the State to negotiate and report WIA outcomes against the common or performance measures only, rather than the performance measures described at WIA section 1835(a). The State will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker performance measures, participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for WIA Adult and WIA Dislocated Worker programs. The State will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program.

#### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

#### Goals and expected programmatic outcomes of waiver

The waiver streamlines the performance reporting system, encourages system integration, and enables local areas to better focus on delivery of customer services rather than costly administrative duties. The waiver permits local workforce areas to focus additional resources on training opportunities and regional workforce service strategies.

#### Individuals impacted by the waiver

This will continue the enhanced oversight and assessment of program effectiveness in New Jersey, which will benefit all individuals through improved programs and services.

#### Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

#### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers.

From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

#### Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Date:** December 3, 2011

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC),  
NJ Department of Labor and Workforce Development (LWD)

**Eligible Training Provider List (ETPL) Initial Eligibility**  
**Type of Request:** Extension

Statutory and/or Regulatory requirements to be waived

New Jersey requests an extension of the waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers. Under this waiver, the State is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Goals and expected programmatic outcomes of waiver

New Jersey requests an extension to the waiver for the State Employment and Training Commission (SETC), in conjunction with the COEI to promulgate rules that govern all aspects of implementation, maintenance and evaluation of the ETPL by ensuring that appropriate guidelines are implemented for initial and subsequent approval for placement on the ETPL to ensure that clients of these training programs participate in quality programming to fulfill their respective training needs and job placement needs. The State of New Jersey, Department of Labor and Workforce Development (LWD) remains fully committed to the value of the ETPL and its implementation, maintenance and quality assurance as a means for ensuring customer choice and promoting appropriate, relevant and in-demand training. The additional time is needed to ensure that the information that the State will make available to the public is reliable, accurate, and equitable to clients and to training providers. This extension is necessary in order to promulgate and implement new rules governing the State's eligible training provider certification process, for placement on the Statewide ETPL, as required by 29 U.S.C. 2842 (Section 122 of V.A.A.).

Individuals impacted by the waiver

Implementation of these regulations will strengthen all aspects of the delivery system for the provision of quality training which the State makes available to eligible recipients in order to strengthen New Jersey's workforce system and to enhance the overall economic health in alignment with the New Jersey's Unified Workforce Investment Plan. The ETPL will contain reliable and complete information with which to determine initial and subsequent eligibility for training providers.

The ETPL is accessible by training providers through the Internet at [www.njtopps.org](http://www.njtopps.org). The list is maintained by the Center for Occupational Employment Information (COEI).

Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

#### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development which included discussions on the need for waivers.

#### Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Date:** December 3, 2017

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC)  
NJ Department of Labor and Workforce Development (LWD)

**Eligible Training Provider List (ETPL) - STATE - QUALITY**

**Type of Request:** Extension

**Statutory and/or regulatory requirements for waiver**

New Jersey requests an extension of the waiver of the provision at 20 CFR 650.530 that prescribes a time limit on the period of initial eligibility for training providers. Under this waiver, the State is allowed to postpone the determination of subsequent eligibility of valid providers. The waiver also allows the State to provide an opportunity for training providers to re-apply and be considered on-site as initially eligible providers.

**Actions undertaken to remove state or local barriers**

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

**Goals and expected programmatic outcomes of waiver**

New Jersey requests an extension to the waiver for the State Employment and Training Commission (SETC), in conjunction with the COEI, to promulgate rules that govern all aspects of implementation, maintenance and evaluation of the ETPL by ensuring that appropriate guidelines are implemented for initial and subsequent approval for placement on the ETPL to ensure that clients of these training programs participate in quality programming to fulfill their respective training needs and job placement needs. The State of New Jersey, Department of Labor and Workforce Development (LWD) remains fully committed to the value of the ETPL and its implementation, maintenance and quality assurance as a means for ensuring customer choice and promoting appropriate, relevant and in-demand training. The additional time is needed to ensure that the information that the State will make available to the public is timely, accurate, and equitable to clients and to training providers. This extension is necessary in order to promulgate and implement new rules governing the State's eligible training provider certification process, for placement on the Statewide ETPL, as required by 29 U.S.C. 2342 (Section 122) of WIA.

**Individuals impacted by the waiver**

Implementation of these regulations will strengthen all aspects of the delivery system for the provision of quality training which the State makes available to eligible recipients in order to strengthen New Jersey's workforce system and to enhance the overall economic health in alignment with the New Jersey's Unified Workforce Investment Plan. The ETPL will contain reliable and complete information with which to determine initial and subsequent eligibility for training providers.

The ETPL is accessible by training providers through the Internet at [www.topps.org](http://www.topps.org). The list is maintained by the Center for Occupational Employment Information (COEI).

**Process for monitoring progress in implementation**

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

#### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also conducted regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of its respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

#### Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Date:** December 3, 2012

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC)  
New Jersey Department of Labor and Workforce Development (LWD)

#### **Requirement for Local Incentive Waiver**

**Type of Request:** New

Statutory and/or Regulatory requirements (e.g., 29 USC

New Jersey is requesting a waiver of the provisions of 29 USC (a)(2)(b)(iii) and 20 CFR 655.200(e) which requires the provision of incentive grants to local areas.

Actions undertaken to remove state or federal barriers

There are no existing State or federal barriers to the development and implementation of this waiver request.

Goals and expected programmatic outcomes: (optional)

The reduction to five percent in the WIA allocation for Governor's Reserve funds restricts the state's ability to effectively fund and carry out all of the required statewide workforce investment activities. The current funding level in the Governor's Reserve is not sufficient to cover the cost of incentive grants to local areas.

The state's reduced funds are being used to cover the following required activities:

- Statewide support of basic statewide workforce activities of the WIA program and local WIBs
- Funding for the SETC (the State Workforce Center) to provide system planning, policy and performance oversight in support of WIA programs and local WIBs.

Our goal in seeking this waiver is to ensure that the state may provide the use of Governor's Reserve funds for the required activities to ensure the maintenance of the basic functions of the workforce investment system.

Individuals impacted by the waiver:

This waiver will provide the state agency with more flexibility in directing Governor's Reserve funds to those activities that best preserve basic functions of the statewide workforce investment system.

Process for monitoring progress in implementation:

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability, which sits within the Labor and Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and needs. In addition, the Office of Performance Accountability conducts an annual review of all local waivers to verify documentation of waiver usage. Waivers and their usage are discussed at regular coordinating meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly coordinated meetings with WIB Directors and One-Stop Operators, and



WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development which resulted in decisions on the need for waivers.

#### Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Date:** December 3, 2012

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC)  
NJ Department of Labor and Workforce Development (LWD)

## **Incumbent Worker Training**

**Type of Request:** Extension

### Statutory and/or Regulatory requirements for waiver

New Jersey requests the continuation of the waiver (WIA section 134(e)) to permit local areas to use a portion of local funds for Incumbent Worker Training.

### Actions undertaken to remove state or local barriers

There are no existing state or local statutory or regulatory barriers to implementation of this waiver request.

### Goals and expected programmatic outcomes of waiver

This waiver permits local area formula funding to be used for statewide activities, specifically incumbent worker training. Under this waiver, the State is permitted to allow local areas to use up to 10 percent of local Dislocated Worker funds and up to 10 percent of local Adult funds for incumbent worker training only as part of a layoff aversion strategy. Use of Adult funds must be restricted to serving lower income adults under this waiver. All training delivered under this waiver is restricted to skill attainment activities. Local areas must continue to conduct the required local employment and training activities at WIA section 134(d) and the State is required to report performance outcomes for any individual served under this waiver in the Workforce Investment Act Standardized Record of Assessment (WIAS RoA) field 309.

### Individuals impacted by the waiver

Individuals affected by this waiver are employed adults who will have greater opportunity for job retention and career advancement due to increased skills.

### Process for monitoring progress in implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all federal awards to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas, job seekers and employers was viewed as critical to New Jersey's workforce innovation. Local WIBs were engaged as the primary stakeholder focus

groups for the plan development, which included discussions on the need for waivers.

#### Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Date:** December 6, 2011

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC)  
NJ Department of Labor and Workforce Development (LWD)

**Employer Contributions for On-the-Job Training**  
**Type of Request:** Extension

Statutory and/or Regulatory Requirements to be Waived

New Jersey requests the continuation of the waiver of the regular 50 percent employer contribution for the On-the-Job Training (OJT) as identified at WIA 101(31)(B), to permit an increase in employer reimbursement for OJT through a sliding scale based on the size of the business.

Actions undertaken to remove statutory or regulatory barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Goals and expected programmatic outcomes of waiver

By removing the requirement of a 50 percent employer contribution towards the cost of training to businesses with 100 or less employees, LWD and local WIBs will be able to more effectively market WIA-funded OJT training to the private sector in support of building relations with employers in high demand, high growth industries. Allowing businesses to apply the sliding scale to determine the contribution amount will increase participation in OJT programs at the local level.

Under the waiver, the following reimbursement amounts will be permitted: 1) up to 40 percent for employers with 50 or fewer employees, and 2) up to 25 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply.

When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide on-the-job training to individuals 18 years of age or older, except that WIA-1(a) funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Individuals impacted by the waiver

Employers will benefit by having greater control of their training programs as they require. The specific goals to be achieved by the waiver are to: 1) improve the ability of LWD to respond to changes in employer and industry needs; 2) increase control for program delivery; 3) increase employer/Board collaboration to address industry needs and workforce training; 4) increase accountability for service providers; and 5) Provide greater flexibility in designing and implementing WIA programs.

Process for monitoring progress and accountability

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

#### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expense that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce development. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

#### Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan as flexible, comprehensive and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

Date: February 11, 2014

State: New Jersey

Agency: State Employment and Training Commission (SETC) and Department of Labor and Workforce Development (LWD)

**On-the-Job Training (OJT) Waiver to the minimum  
Type of Request: Extension**

Statement and/or Explanation regarding the request:  
New Jersey requests the continuation of the current law mandating that OJT not require reporting of credential attainment outcomes for participating employers in On-the-Job Training (OJT).

Actions undertaken to remove statutory or regulatory barriers to implementation of this waiver request:  
There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

Goals and expected programmatic outcomes of waiver:  
This waiver provides local workforce investment areas with greater flexibility and access to use of the OJT program without negatively impacting existing performance standards. It allows the training program design to be more responsive to employer and employee needs as it can be specifically created for that industry, business or worksite. Eliminating the performance measures to comply requirement for those participating in the OJT program encourages its use and should have a positive effect on training outcomes. Under the waiver credential attainment data should still be tracked, and Workforce Investment Act Standardized Record Database (WIASRD) Item 610, Training Record of Credential, should be completed for each individual enrolled in on-the-job training.

Individuals impacted by the waiver:  
This waiver impacts adults, dislocated workers, and eligible youth who participate in the On the Job Training (OJT) program services.

Process for monitoring progress and performance:  
The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (OLPA) conducts annual surveys of waiver usage to assess future needs and need. In addition, the Office of Performance Accountability conducts an annual monitoring effort to verify documentation of waiver usage. Waivers and their usage are discussed at regular accounting meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

Notice to affected local boards:  
The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

#### Public Comment

All waiver requests are included in Section N of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Date:** December 9, 2012

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC)  
NJ Department of Labor and Workforce Development (LWD)

#### **Youth ITAs**

**Type of Request:** Extension

#### **Statutory and/or Regulatory requirements to be waived**

New Jersey is requesting an extension of the waiver from the program at NJC 17:27-10.6 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth program participants. Under this waiver, the State can use ITAs for older youth and out-of-school youth program participants.

#### **Additional Regulatory Requirements**

There are no existing State or federal regulatory provisions that require implementation of this waiver request.

#### **Goals and expected program results for this waiver**

The goals of this waiver are as follows:

- 1) To provide an additional training option that allows for increased customer choice. With the availability of ITAs for older youth, more of these customers can achieve educational and occupational goals without the additional barrier of having to meet additional dislocated worker eligibility requirements.
- 2) To remove the need for co-enrollment of older youth accessing ITAs as adults or dislocated workers, eliminating duplicative paperwork and training requirements.
- 3) To foster improvement in the enrollment of out-of-school youth towards meeting the federal mandate to expand 10 percent enrollment in the period plan.

It is expected that the utilization of ITAs for older youth will have a positive impact on the local areas ability to meet or exceed performance goals for this period plan. The State must continue to make the 10 youth program elements available as described at WIA Section 125(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

#### **Individuals impacted by the waiver**

The waiver will positively impact WIA eligible older youth. These customers will receive the type of services that most closely and quickly meet their individual needs without unnecessary paperwork, tracking, and delay.

#### **Process for monitoring progress, compliance, etc.**

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (NJLWD).

#### **Notice to affected local boards**

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through



the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regional meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Boards in regards to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder focus groups for the plan development and for public discussions on the need for waivers.

#### Public Comment

All waiver requests are included in Section IV of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) preceded final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state program more comprehensive and inclusive for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.

**Date:** December 9, 2014

**State:** New Jersey

**Agency:** Office of Employment and Training, Division of Labor and Workforce Development, Office of the Chief Workforce Development Officer

## **Competitive Procurement for Program Elements**

### **Type of Request: Extension**

#### Statutory and/or Regulatory Requirement and/or Law, Act

New Jersey is requesting a continuation of the waiver of WIA section 123(b) that requires that providers of Youth program elements be selected through competitive procurement. Under this waiver, the State is permitted to allow its One-Stop Career Centers or partner agencies to directly provide the core youth program elements of supportive services, follow-up services, and workplace readiness services, as per WIA requirements, have awarded grants or contracts on a cooperative basis based upon the recommendations of the youth council and the criteria in the State plan, and continue oversight with respect to the providers. These processes comply with CWB requirements outlined in 29 CFR Parts 95.40-95.46 and 97.36.

#### Actions undertaken to remove state or local barriers

There are no existing State or local statutory or regulatory barriers to implementation of this waiver request.

#### Goals and expected programmatic outcomes of waiver

The goal of the waiver is to allow the state, regional or One-Stop to provide these services directly rather than through a service provider that has been competitively procured. Under this waiver, the local workforce areas, with the consent and participation of and through the One-Stop Operator, would be allowed to waive the requirement for competitive procurement of service providers and directly provide the following three (3) youth program elements - supportive services, follow-up services, and workplace readiness - in order to ensure continuity of youth services.

#### Individuals impacted by the waiver

Individuals affected by this waiver are eligible youth who are being appropriately served under WIA Title I in order to receive greater assistance via youth development, training and employment programs.

#### Process for monitoring progress and implementation

The State will monitor progress and ensure accountability for federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage, implementation and needs. In addition, the Office of Performance Accountability conducts an annual review of a random sample of documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Office of Workforce Development (SETC) and the New Jersey Department of Labor and Workforce Development (NJDOLE).

#### Notice to affected local boards

The waiver requests, as part of the Draft New Jersey Unified Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website. Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LWD also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the commencement of the planning process, the importance and expertise that the Local Workforce Investment Board's in regards to the needs of their respective areas, jobseekers and employers was viewed as

critical to New Jersey's workforce innovations. Labor unions were engaged as the primary stakeholder focus groups for the plan development, which included discussions on the need for waivers.

#### Public Comment

All waiver requests are included in Section M of the Draft New Jersey Unified Workforce Investment Plan 2012-2017, which was provided for public comment on the SEETC website, [www.njsetc.org](http://www.njsetc.org). The public comment period (August-September 2011) preceded final approval of the plan by the SEETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were submitted by attendees at these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendix of the Unified State Plan. Only one comment was received regarding waivers: "I hope that, if necessary, the NJ Department of Labor would seek waivers from the federal government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.



# New Jersey State Department of Labor and Workforce Development

## Request for Public Comment: Waiver of Requirements

**Date:** December 11, 2012

**State:** New Jersey

**Agency:** State Employment and Training Commission (SETC)  
NJ Department of Labor and Workforce Development (LWD)

**Local WIB/One-Stop: N/A**

**Type of Request:** New

**Statutory and/or Regulatory Reference:** NJAC 17:27, 17:28, 17:29, 17:30

New Jersey requests a new waiver of WAC 663.500, 663.510 (d) requiring local board recruitment and application of new training providers to the statewide ETPL.

**Actions undertaken to remove state regulatory barriers:**

There are no existing State regulatory barriers or regulatory barriers to implementation of this waiver request.

**Goals and expected programmatic outcomes:** The waiver

will support the State's goal of a new statewide online ETPL registration and eligibility determination system (NJ One-Stop) and reduce the training burden on the local areas to manage locally what can be completed statewide. This waiver will allow Local boards that identify new potential training providers to utilize an established system and not duplicate the expenditure of local resources to duplicate an established process.

**Local Board/One-Stop Comments:**

Local Boards will continue to be utilized as a key expert in the establishment and refinement of the ETPL and related processes. Through participation in both targeted focus groups and ongoing ETPL task forces, local areas will have the opportunity to provide input into the statewide policies and protocols.

**Process for monitoring progress:** The State will

monitor progress and outcomes relating to federal funds in connection with these waivers by reviewing quarterly expenditure, performance and other reports through regular contact with the ETA Regional Office liaisons and through its monitoring and performance accountability system. The Office of Performance Accountability which sits within the Office of Labor Planning and Analysis (LPA) conducts annual surveys of waiver usage to assess utilization and need. In addition, the Office of Performance Accountability conducts an annual review of all local areas to verify documentation of waiver usage. Waivers and their usage are discussed at regularly occurring meetings with WIB Directors and One-Stop Operators, hosted by the State Employment and Training Commission (SETC) and the New Jersey Department of Labor and Workforce Development (LWD).

**Notice to affected local boards:**

The waiver requests, as part of the New Jersey United Workforce Investment Plan, were vetted with local areas (Local Elected Officials, WIB Board Members, WIB Directors, and One-Stop Operators) through the public comment process. During the public comment period, local areas were directed to view and comment on the plan, including waiver requests, by accessing the plan on the SETC website.



## New Jersey's Unified Workforce Investment Plan

Local boards and local area representatives were also invited to attend public comment forums where they could provide input. The SETC and LVW also jointly host regular meetings with WIB Directors and One-Stop Operators, and WIB Chairpersons, providing further opportunity for local area awareness and input regarding the waivers. From the comment period of the planning process, the importance and expertise that the Local Workforce Development Boards bring to the needs of their respective areas jobseekers and employers was viewed as critical to New Jersey's workforce innovations. Local WIBs were engaged as the primary stakeholder groups for the plan development, which included discussions on the following issues:

### Public Comment

All waiver requests are included in Section 1e of the Draft New Jersey United Workforce Investment Plan 2012-2017, which was provided for public comment on the SETC website, [www.njsetc.net](http://www.njsetc.net). The public comment period (August-September 2012) included final approval of the plan by the SETC on September 11, 2012. In addition, New Jersey electronically sent out notice of the Plan and the public comment announcement to a statewide audience of internal and external stakeholder groups listed in the Appendices of the Plan. In-person feedback was solicited at three regional public comment forums. Written comments were solicited at each of these sessions. Public comment was also submitted by e-mail and letters. A Public Comment Summary is provided in the Appendices of the Unified State Plan. Only one comment was received regarding waivers. "I hope that, if necessary, the NJ Department of Labor will take steps to ensure that the state government to make our state plan a model of comprehensiveness and inclusiveness for all stakeholders." As indicated in the public comment summary, this comment will be maintained for future consideration with regard to waivers.